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09/748,440	12/27/2000	Wolfgang Daum	9D-HR-19572	4178

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EXAMINER

NEURAUTER, GEORGE C

ART UNIT	PAPER NUMBER
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2443

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09/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/748,440	Applicant(s) DAUM ET AL.	
	Examiner George C. Neurauter, Jr.	Art Unit 2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-12,14-22,24-31 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-12,14-22,24-31 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1, 3-5, 7-12, 14-22, 24-31, and 33 are currently presented and have been examined.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 13 August 2009 has been entered.

Response to Arguments

The Applicant's remarks regarding the 35 USC 112, 1st paragraph rejection regarding the claimed "device information table" has been considered and is persuasive. Therefore, the 35 USC 112, 1st paragraph rejection regarding this limitation has been withdrawn.

However, the Applicant's amendments attempting to remedy the 35 USC 112, 2nd paragraph rejection are subject to the new grounds of rejection given below. It is also noted that the Applicant has also failed to show the support for the "superuser" limitation and its associated functions within the specification. The Examiner has relied upon paragraphs 0049, 0050, and 0054 of the originally filed specification to make the rejections.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 3-5, 7-12, and 14-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

An objective standard for determining compliance with the written description requirement is, "does the description clearly allow persons of ordinary skill in the art to recognize that he or she invented what is claimed." *In re Gosteli*, 872 F.2d 1008, 1012, 10 USPQ2d 1614, 1618 (Fed. Cir. 1989). Under *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563-64, 19 USPQ2d 1111, 1117 (Fed. Cir. 1991), to satisfy the written description requirement, an applicant must convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession of the invention, and that the invention, in that context, is whatever is now claimed. See also MPEP 2163.02.

Claims 1, 3-5, 7-12, and 14-21 recite at least determining if a request to perform a service diagnosis of at least one appliance requires access to at least one superuser-level function and requesting a second level or heightened level of authorization to access the superuser function if it is determined that access is required. These

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limitations were not described in the originally filed specification in order to reasonably convey that one skilled in the art that the inventors contemplated elements and/or functional steps that are used in order for the claimed limitations to occur, therefore, one skilled in the art would not know whether the inventor(s) had possession of the claimed invention at the time of filing. Therefore, the claims fail to meet the written description requirement.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3-5, 7-12, and 14-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 3-5, 7-12, and 14-21 recite determining if a request to perform a service diagnosis of at least one appliance requires access to at least one superuser-level function and requesting a second level or heightened level of authorization to access the superuser function if it is determined that access is required. It is unclear what element performs the determination and/or the requesting the second or heightened level of authorization, and what element provides such authorization.

Claims 29-31 recite “the power line carrier modem”, “the power line carrier” or “the power line carrier protocol”. There is insufficient antecedent basis for these limitations within the claim.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claims 1, 3-5, 7-11, 22, 24-28, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5 875 430 A to Koether.**

Regarding claim 1, Koether discloses a method of performing service diagnostics on appliances, the method comprising:

receiving a first level authorization to access at least one appliance from a diagnostic interface (referred to throughout the reference as "base station"); accessing the at least one appliance via the diagnostic interface; performing a service diagnosis of the appliance through the diagnostic interface via the connection to the appliance using commands specific to the at least one appliance (command from "downloading update diagnostic software"), the commands specific to the at least one appliance obtained

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from a device information table ("internally resident database"); (see at least column 5, lines 3-19, column 5, line 60-column 6, line 9, column 7, lines 45-column 8, line 13)

implementing the diagnostic interface within a single device including a display and generating service commands to perform the service diagnosis; and servicing, by the diagnostic interface, the at least one appliance via the connection, said servicing comprising at least one of adjusting a characteristic of the appliance and displaying to a technician the service diagnosis. (see at least column 2, lines 23-36 and 54-59, specifically lines 31-36; column 5, line 60-column 6, line 9; column 7, lines 45-62, specifically lines 54-62)

Koether did not expressly disclose determining if the request to perform the service diagnosis requires access to at least one superuser-level function; requesting a second level of authorization to access the at least one superuser-level function if it is determined that the request to perform the service diagnosis requires access to the at least one superuser-level function and wherein the diagnostic interface contains processing circuitry programmed with software such that only second level authorization access is permitted to at least one superuser-level function.

Examiner takes Official Notice (see MPEP § 2144.03) that the concept of superuser or "root" access within an operating system of a computer, the determination of whether a user has the required authorization to access a certain function within the computer based on the level of access granted to a user, and to grant or deny such a request based on such a user's level of access was well known in the art at the time the invention was made. The Applicant is entitled to traverse any/all official notice taken in

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this action according to MPEP § 2144.03, namely, "if applicant traverses such an assertion, the examiner should cite a reference in support of his or her position".

However, MPEP § 2144.03 further states "See also *In re Boon*, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, *In re Boon*, 169 USPQ 231, 234 states "as we held in *Ahlert*, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

Therefore, one of ordinary skill in the art would have been motivated to combine the teachings of Koether to include the well known subject matter in the art to achieve the claimed invention since one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely performs the same function as it does separately and the results of the combination would have been predictable.

Regarding claim 3, Koether discloses the method of claim 1.

Koether wherein accessing further comprises accessing a dedicated appliance controller in an appliance. (Figure 1, element 140; column 4, line 23-column 5, line 2)

Regarding claim 4, Koether discloses disclose the method of claim 1.

Koether discloses wherein the service functions comprise safety functions, parameter functions, and appliance status functions. (column 9, lines 3-60, specifically “Type of malfunction”)

Regarding claim 5, Koether discloses the method of claim 1.

Koether discloses implementing said diagnostic interface in a computer. (Figure 2, element 155; column 5, line 60-column 6, line 9; column 7, lines 54-62) (see also Figure 8, element 810; column 10, line 1, column 11, line 29)

Regarding claim 7, Koether discloses the method of claim 1.

Koether discloses connecting to a remote system to retrieve service diagnostic information. (column 5, line 60-column 6, line 9, specifically column 5, line 67-column 6, line 5)

Regarding claim 8, Koether discloses the method of claim 1.

Koether discloses wherein performing service diagnosis includes diagnosing and servicing the appliance based on the appliance diagnosis. (Figure 7, element 735; column 9, lines 44-60)

Regarding claim 9, Koether discloses the method of claim 8.

Koether discloses wherein servicing the appliance comprises patching appliance firmware. (column 5, line 60-column 6, line 9, specifically column 6, line 2)

Regarding claim 10, Koether discloses the method of claim 8.

Koether discloses wherein servicing the appliance comprises adjusting appliance parameters. (column 9, lines 44-60, specifically “modify the cooking profiles”)

Regarding claim 11, Koether discloses the method of claim 1.

Koether discloses maintaining an external database (Figure 1, element 190) of appliance information based on diagnosis of the appliance. (column 5, lines 50-59; column 9, lines 3-60)

Regarding claim 22, Koether discloses a diagnostic system for provide access to service diagnostics on an appliance, the system comprising:

a plurality of appliances; a diagnostic interface configured to be directly connected to said plurality of appliances, said diagnostic interface comprising a display, wherein said diagnostic interface facilitates accepting service diagnostics commands destined for at least one appliance of said plurality of appliances, the service diagnostics commands specific to said at least one appliance and obtained by said diagnostic interface from a device information table ("internally resident database") (see at least column 5, line 60-column 6, line 9), and a microprocessor programmed to permit a first level of authorized access to one of perform a service diagnosis of the at least one appliance and to generate the diagnostics commands ("base station"; Figure 1, element 150; column 5, lines 3-19; column 5, line 60-column 6, line 9; column 7, lines 45-62, specifically lines 54-62; column 7, lines 45-62, specifically lines 59-62), said diagnostic interface configured to service said plurality of appliances by at least one of adjusting a characteristic of the appliance and displaying to a technician the diagnostics commands (column 2, lines 23-36 and 54-59, specifically lines 34-36; column 5, line 60-column 6, line 9; column 7, lines 45-62, specifically lines 54-62); and a dedicated

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appliance controller for receiving and executing the service diagnostics commands (Figure 1, element 140; column 4, line 23-column 5, line 2).

Koether did not expressly disclose wherein the microprocessor is programmed to permit a second level of authorized access to at least one superuser-level function.

Claim 22 is rejected since the motivations regarding the obviousness of claim 1 also apply to claim 22.

Regarding claim 24, Koether disclosed the system of claim 22.

Koether discloses wherein the diagnostic interface comprises a computer. (Figure 2, element 155; column 7, lines 45-62, specifically lines 59-62)

Regarding claim 25, Koether disclosed the system of claim 22.

Koether discloses wherein the diagnostic interface comprises a PC card interface. (column 10, lines 1-22)

Regarding claim 26, Koether disclosed the system of claim 22.

Koether discloses wherein the system is further comprising a communications interface between the diagnostic interface and the dedicated appliance controller. (column 5, lines 3-36)

Regarding claim 27, Koether disclosed the system of claim 22.

Koether discloses wherein the system is further comprising a remote system, the remote system connectable to the diagnostic interface via an Internet connection. (column 5, lines 37-49)

Regarding claim 28, Koether disclosed the system of claim 22.

Koether discloses wherein the dedicated appliance controller is contained within the appliance. (Figure 1, element 140; column 4, line 23-column 5, line 2)

Regarding claim 33, Koether and Andruzzi disclosed the system of claim 22.

Koether disclosed wherein the dedicated appliance controller comprises a display and user input circuitry to facilitate providing user operation of the at least one appliance. (see at least column 7, lines 45-62, specifically lines 54-62)

Claims 12, 14-21, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koether in view of US Patent 4,580,276 to Andruzzi et al.

Regarding claim 12, Koether discloses a diagnostic interface ("base station"; Figure 1, element 150) for performing service diagnostics on appliances (column 5, line 60-column 6, line 9), the diagnostic interface comprising:

- a display for viewing diagnostic and service information; (column 7, lines 45-62, specifically lines 59-62)

- processing circuitry programmed with diagnostic software for generating service commands for an appliance; (column 7, lines 45-62, specifically lines 54-57)

- a serial communication bus coupling said processing circuitry to a communication interface configured to be directly connected to a plurality of appliances, wherein said communication interface facilitates receiving authorization to access the at least one appliance from said diagnostic interface, receiving a request to perform a service diagnosis of the at least one appliance through said diagnostic interface, and transmitting the service commands to the plurality of appliances and receiving appliance diagnostic results on a communication system, said diagnostic interface implemented

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within a single device including said display, said processing circuitry generating the service commands to service at least one appliance of the plurality of appliances, the service commands being specific to the at least one appliance and obtained by said processing circuitry from a device information table, and said communication interface configured to modulate data to communicate the data over a medium, wherein said diagnostic interface is configured to service the at least one appliance via said communication interface by at least one of adjusting a characteristic of at the least one appliance and displaying to a technician the appliance diagnostic results. (column 2, lines 23-36 and 54-59, specifically lines 34-36; column 5, line 60-column 6, line 9; column 7, lines 45-62, specifically lines 54-62)

Koether did not expressly disclose determining if the request to perform the service diagnosis requires access to at least one superuser-level function, requesting the heightened level of authorization to access the at least one superuser-level function if it is determined that the request to perform the service diagnosis requires access to the at least one superuser-level function and wherein the diagnostic interface contains processing circuitry programmed with software such that only authorized access is permitted to at least one superuser-level function.

Examiner takes Official Notice (see MPEP § 2144.03) that the concept of superuser or “root” access within an operating system of a computer, the determination of whether a user has the required authorization to access a certain function within the computer based on the level of access granted to a user, and to grant or deny such a request based on such a user’s level of access was well known in the art at the time the

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invention was made. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03, namely, "if applicant traverses such an assertion, the examiner should cite a reference in support of his or her position". However, MPEP § 2144.03 further states "See also *In re Boon*, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, *In re Boon*, 169 USPQ 231, 234 states "as we held in *Ahlert*, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or reputation of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

Therefore, one of ordinary skill in the art would have been motivated to combine the teachings of Koether to include the well known subject matter in the art to achieve the claimed invention since one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely performs the same function as it does separately and the results of the combination would have been predictable.

Koether does not expressly disclose a power line carrier communication interface configured to be directly connected to a plurality of appliances via a serial

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communication bus, wherein said power line carrier communication interface facilitates transmitting the service commands to the appliance and receiving appliance diagnostic results on a power line carrier communication system, and wherein the power line carrier communication interface is configured to modulate data to communicate the data over an alternating current (AC) power line, however, Koether does disclose a wired communication interface within the diagnostic interface to accomplish these limitations (column 5, lines 3-19, specifically lines 5-8 and 11-13). Koether also discloses that RF, microwave, satellite, or infrared communication interfaces may also be used. (column 5, lines 13-19)

Andruzzi discloses a power line carrier interface configured to modulate data to communicate the data over an alternating current (AC) power line. (column 2, line 44-column 3, line 17, specifically column 2, lines 54-60 and column 2, line 65-column 3, line 17; column 4, line 59-column 5, line 19, specifically column 5, lines 2-12; column 5, line 55-column 6, line 17, specifically column 5, lines 55-67; column 9, line 33-59, specifically column 9, lines 56-59). Andruzzi further expressly discloses that the power line carrier modem is used within devices such as a computer and other devices that are connected to it through the power line medium including appliances (column 2, lines 54-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to simply substitute the power line carrier communication interface with the communication interfaces disclosed in Koether since the teachings of Andruzzi expressly disclosed the substituted components and their functions were known to be

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used on appliances similar to those disclosed in Koether and that one of ordinary skill in the art could have substituted the power line carrier communication interface disclosed in Andruzzi with the communication interface as also expressly suggested in Koether and that the function of the system would work in the same manner as intended and would have been predictable.

Regarding claim 14, Koether and Andruzzi disclose the diagnostic interface of claim 12.

Koether discloses wherein the diagnostic interface is further comprising a remote service center interface. (Figure 1, element 175; column 5, lines 37-49)

Regarding claim 15, Koether and Andruzzi disclose the diagnostic interface of claim 14.

Koether discloses wherein the diagnostic interface gathers appliance statistics to send to a remote service center over the remote service center interface. (column 5, line 60-column 6, line 9)

Regarding claim 16, Koether and Andruzzi disclose the diagnostic interface of claim 12.

Koether discloses wherein the diagnostic interface is further comprising a user interface to facilitate service diagnostics. (column 7, lines 45-62, specifically lines 59-62)

Regarding claim 17, Koether and Andruzzi disclose the diagnostic interface of claim 12.

Koether discloses wherein the appliance comprises a refrigerator. (column 4, lines 23-36, specifically lines 32-36)

Regarding claim 18, Koether and Andruzzi disclose the diagnostic interface of claim 12.

Koether discloses wherein the appliance comprises an oven. (column 4, lines 23-36, specifically lines 32-36)

Regarding claim 19, Koether and Andruzzi disclose the diagnostic interface of claim 12.

Koether discloses wherein the appliance comprises a heating system. (column 4, lines 23-36, specifically lines 32-36)

Regarding claim 20, Koether and Andruzzi disclose the diagnostic interface of claim 12.

Koether discloses wherein the appliance comprises a cooling system. (column 4, lines 23-36, specifically lines 32-36)

Regarding claim 21, Koether and Andruzzi disclose the diagnostic interface of claim 12.

Koether discloses wherein the appliance comprises a lighting system. (column 4, lines 23-36, specifically lines 32-36)

Regarding claim 29, Koether discloses the system of claim 22.

Koether does not expressly disclose wherein the diagnostic interface comprises a power line carrier modem which allows the diagnostic interface to communicate with an appliance via a power line carrier system, however, Koether does disclose that the local area appliance network may be implemented via a RF, wired, microwave, satellite, or infrared network (column 5, lines 3-19)

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Andruzzi discloses wherein the local area appliance network comprises a power line carrier system configured to modulate data to communicate the data over an alternating current (AC) power line. (column 2, line 44-column 3, line 17, specifically column 2, lines 54-60 and column 2, line 65-column 3, line 17; column 4, line 59-column 5, line 19, specifically column 5, lines 2-12; column 5, line 55-column 6, line 17, specifically column 5, lines 55-67; column 9, line 33-59, specifically column 9, lines 56-59). Andruzzi further expressly discloses that the power line carrier modem is used within devices such as a computer and other devices that are connected to it through the power line medium including appliances (column 2, lines 54-60).

Claim 29 is rejected since the motivations regarding the obviousness of claim 12 also apply to claim 29.

Regarding claim 30, Koether and Andruzzi disclose the method of claim 1.

Koether discloses wherein adjusting the characteristic comprises changing, by the diagnostic interface, the characteristic of a home appliance. (column 2, lines 23-36, specifically lines 34-36; column 5, line 60-column 6, line 9; column 7, lines 45-62, specifically lines 54-62)

Koether does not expressly disclose wherein the diagnostic interface is connected to the appliances via a power line carrier, however, Koether does disclose communication means used by the diagnostic interface may include RF, wired, microwave, satellite, or infrared networks (column 5, lines 3-19, specifically lines 5-8 and 11-13).

Andruzzi discloses a power line carrier medium configured to modulate data to communicate the data over an alternating current (AC) power line. (column 2, line 44-column 3, line 17, specifically column 2, lines 54-60 and column 2, line 65-column 3, line 17; column 4, line 59-column 5, line 19, specifically column 5, lines 2-12; column 5, line 55-column 6, line 17, specifically column 5, lines 55-67; column 9, line 33-59, specifically column 9, lines 56-59). Andruzzi further expressly discloses that the power line carrier medium is used by devices such as a computer and other devices that are connected to it through the power line medium including appliances (column 2, lines 54-60).

Claim 30 is rejected since the motivations regarding the obviousness of claim 12 also apply to claim 30.

Regarding claim 31, Koether and Andruzzi disclose the method of claim 1.

Koether does not expressly disclose translating, by the power line carrier, between an appliance protocol of the appliance and a power line carrier protocol, however, Koether does disclose wherein the diagnostic interface communicates with appliances bidirectionally through the use of transceiver modem means and that the diagnostic interface is able to interpret data sent from the appliance (column 5, lines 3-35 and 60-65).

Andruzzi discloses the power line carrier modem as shown above regarding claim 12.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to translate, by a power line carrier modem connected to the

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carrier, between an appliance protocol of the appliance and a power line carrier protocol since Koether expressly discloses that the transceiver modem is able to receive data sent from an appliance and interpret this data on the diagnostic interface. Therefore, one of ordinary skill in the art would recognize that translation of protocols between the data that is sent from the appliance to the diagnostic interface and the transceiver modem means would occur if the diagnostic interface can read data from the transceiver modem and therefore would have found it obvious that translation between protocols occurs in view of the disclosures of Koether. It further would have been obvious to use a power line carrier modem in place of the transceiver modem means disclosed in Koether since, as shown above regarding claim 1, Koether suggests that means within the diagnostic interface that may be used in a RF, wired, microwave, satellite, or infrared network and Andruzzi discloses that a power line carrier system using modems enables bi-directional data to be communicated within a building via a power line carrier to various devices including appliances within a local area network. In view these disclosures within Koether and Andruzzi and that both references are directed to providing communication systems for appliances, one of ordinary skill would have been motivated to combine these references in order to achieve the claimed invention and would have considered them to be analogous to one another based on their related fields of endeavor.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is

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(571)272-3918. The examiner can normally be reached on the hours between 8:30am-5:00pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger, can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George C Neurauter, Jr./
Primary Examiner, Art Unit 2443